

**To:** Chung, Angela[Chung.Angela@epa.gov]  
**From:** Szelag, Matthew  
**Sent:** Fri 4/29/2016 8:17:37 PM  
**Subject:** FW: Industrial stormwater general permit question  
[Petition follow up letter Aug 31 2015.pdf](#)  
[NMFS comment letter to Ecology re Weyerhaeuser.pdf](#)  
[FW: CRITFC Request for Discussion \(Tribal concern Columbia River Toxics\)](#)

Hi Angela,

FYI – This was Karen’s response to your inquiry on the NWEA petition response regarding the industrial stormwater general permit. Don’t think there’s anything I would add to our response (we already reference the 5 year plan that Karen highlighted).

Thanks,

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Matthew Szelag | Water Quality Standards Coordinator

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**From:** Burgess, Karen  
**Sent:** Thursday, April 28, 2016 3:57 PM  
**To:** Szelag, Matthew <[Szelag.Matthew@epa.gov](mailto:Szelag.Matthew@epa.gov)>  
**Cc:** Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>  
**Subject:** RE: Industrial stormwater general permit question

Angela may be recalling NPU’s work with Ecology’s on the Weyerhaeuser-Longview NPDES permit, cited in NWEA petition p. 9. In that case, NMFS (Jeff Fisher) express concern about toxics discharged from the industrial facility, letter from NMFS to Ecology attached. NMFS did not engage directly with EPA (under the EPA-Serviced MOA). Ecology responded to NMFS’s concerns in the response to comment document (link: [WA0000124\\_WeyerhaeuserLongview\\_NPDESfactsheet\\_2014\\_10.pdf](#)), not related specifically to stormwater.

I don't think anything in particular was resolved with the Services during the exchange on the WeyCo permit. It did spawn other actions however. In fact, John Palmer and Mary Lou Soccia continue to be involved with tribal and Services concerns about toxics to the Columbia River, specifically. Their work is ongoing with CRITFC through a request from the CRITFC to the NMFS, see attached CRITFC email and letters which also reference NMFS comment on WeyCo permit.

Ecology response to comments on WeyCo says, page 111

*Ecology appreciates the comments concerning the potential for toxicity in the discharge. In*

*issuing NPDES permits Ecology establishes water quality based effluent limitations for pollutants with the potential to exceed standards. Under state and federal law, these effluent*

*limitations may either be based on the state's EPA-approved water quality standards or waste*

*load allocations established in an approved TMDL. Ecology does not have the legal authority to*

*propose new criteria or amend the state's Water Quality Standards ad hoc based on comments*

*received through an individual permit issuance process. Where enough scientific information*

*and data exists to indicate the presence of pollutants that require environmentally protective*

*criteria, Ecology's Water Quality Standards Group will work to develop those criteria.*

*Comments provided will be forwarded to this group for review and consideration.*

*Based on the agency's **Water Quality Standards Five-Year Work Plan FY 2012 – FY 2016,***

*Ecology will soon be beginning work to update the state's water quality criteria for the*

*protection of aquatic life. During this upcoming rulemaking Ecology will solicit comments and*

*input in updating the state's criteria to ensure that the best available science is used in adopting*

*new criteria to protect aquatic life, including ESA listed species.*

**Karen Burgess, P.E.**

*NPDES Permits Unit - State Oversight Lead*

*EPA Region 10*

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**From:** Szelag, Matthew  
**Sent:** Thursday, April 28, 2016 9:35 AM  
**To:** Burgess, Karen <[Burgess.Karen@epa.gov](mailto:Burgess.Karen@epa.gov)>  
**Cc:** Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>  
**Subject:** Industrial stormwater general permit question

Hi Karen,

I wanted to check in with you on this petition letter we received from NWEA last summer (attached). In the letter, they reference several correspondence from the Services regarding the industrial stormwater general permit and the protection of aquatic life in Washington waters including Puget Sound. Right now, we have a draft response that asks NWEA for more information:

NWEA also has provided information related to toxics contamination from stormwater discharges affecting water quality in Puget Sound and other Washington waters. Please provide further information to explain why you believe that the adoption of more stringent aquatic life criteria would address the concerns raised by the Services in the Industrial Stormwater General Permit (which you note in your August 31, 2015 letter).

Angela seemed to recall this issue coming up last year and perhaps we reached some sort of resolution with the Services? If not, is there an update you could provide us?

Thanks in advance.

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**Matthew Szelag** | Water Quality Standards Coordinator

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